Argument to the International Search Opinion

(Formal response to the written opinion of the International Searching Authority)

TO: Examiner of the European Patent Office as an International Preliminary Examining Authority

1. Identification of the International Application
   PCT/JP2004/008694

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4. Argument

According to the Written Opinion of the International Searching Authority, all the independent claims 1, 5, 8, 12, 15 and 17 of the present invention are considered to be not patentable over the document D1 (EP-A-0903259) because the features recited in these claims are disclosed in D1. However, we believe that the features of the independent claims 1, 5, 8, 12, 15 and 17 are not disclosed in D1 as discussed below.

Each of the independent claims 1, 5, 8, and 12 of the present invention is directed to a power output apparatus or an automobile including 'an internal combustion engine (A1)', 'an electric power-mechanical power input-output module (A2) that is linked with an output shaft of said internal combustion engine and with said drive shaft and outputs at least parts of power from said internal combustion engine to said drive shaft through inputs and outputs of electric power and mechanical power', and 'a motor (A3) that is capable of inputting and outputting power from and to said drive shaft'. Although we admit that D1 discloses 'an engine' which corresponds to A1 and 'a motor' which corresponds to A3, we do not believe that D1 discloses a structure which corresponds to A2 in the claimed invention. The electric power-mechanical power input-output module (A2) of the present invention is linked with the output shaft of the internal combustion engine and with the drive shaft which is different from the output shaft of the internal combustion engine, and outputs power from internal combustion engine to the drive shaft through inputs and outputs of electric power and mechanical power from and to the electric-mechanical power input-output module. In the Fig 1 of D1, the motor may be linked with the output shaft of the engine and with the drive shaft, however, the structure disclosed in Fig.1 of D1 is different from the electric-mechanical power input-output module (A2) of the invention in that the output shaft of the

engine is directly linked with the drive shaft and the power from the engine is output to the drive shaft not through the motor. Accordingly, we do not believe the features of the independent claims 1, 5, 8 and 12, which refer to the control of the electric-mechanical power input-output module (A2), are disclosed in D1. Therefore, we submit that the independent claims 1, 5, 8 and 12 are patentable over D1.

The independent claims 15 and 17 of the present invention are respectively directed to the control method of the power output apparatus and the control method of the automobile including 'an internal combustion engine (A1)', 'an electric power-mechanical power input-output module (A2)', and 'a motor (A3)'. Similar to the discussion above, these claims refer to the control of the electric power-mechanical power input-output module and the features are not disclosed in D1. Therefore, we submit that the independent claims 15 and 17 are also patentable over D1.